

**AMENDMENT TO
MEMORANDUM OF UNDERSTANDING
BETWEEN THE CITY OF MILPITAS AND
THE MILPITAS EMPLOYEES ASSOCIATION, LIUNA LOCAL 270**

WHEREAS, the City of Milpitas ("the City") and the Milpitas Employees Association (LIUNA, Local 270") are parties to a Memorandum of Understanding for the period January 1, 2002– December 31, 2005, ("the MOU"), approved by City Council on March 18, 2003, and

WHEREAS, these parties desire to amend the MOU with the addition of water distribution requirements for covered classifications;

NOW, THEREFORE, THE PARTIES AGREE that the MOU may be amended per the attached tentative agreement.

PASSED AND ADOPTED THIS 18TH DAY OF JANUARY 2005, BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Gail Blalock, City Clerk

Jose S. Esteves, Mayor

APPROVED AS TO FORM:

Steven T. Mattas, City Attorney

SIDE LETTER AGREEMENT
BETWEEN THE
CITY OF MILPITAS
AND THE
MILPITAS EMPLOYEES ASSOCIATION/LIUNA LOCAL 270

This Side Letter Agreement is entered into by and between the City of Milpitas ("CITY"), and Milpitas Employees Association ("MEA"). This addresses the result of several meetings with representatives of the union, Paul Mullett, Curt McGann, and Al Bennett; and City representatives, Blair King, Dennis Cuciz, Steve Smith, and Cherie Rosenquist. The effects of these proposals were reviewed and negotiated for impacts, and the following was subsequently agreed upon:

1. The City may require all employees assigned to the Public Works Utility section to possess State of California Water Distribution Operator Certificate, appropriate to the requirements the state imposes on the City of Milpitas.
2. The City may also require all stand-by employees for Utilities to possess a State of California Water Distribution Operator Certificate.
3. The Water System Operator classification must possess a higher level certification (D-5).
4. Assigned Utilities employees must achieve certification within twenty-four months of hire, promotion, or lateral transfer.
5. Employees who currently possess "interim" certification must achieve certification before December 31, 2006.
6. Any Utilities employee that does not successfully meet the certification requirements is subject to reassignment, within the classification, to a vacant position or through lateral transfer at the discretion of the Public Works Director. Assignments made within Utility Maintenance will be at the supervisor's discretion. Incentive pay may be affected as a result of the reassignment.
7. Employees who achieve Water Distribution Operator Certification will be eligible for a 4% incentive pay.
8. Employees who already receive one 4% incentive pay will also be eligible for water certification pay of 4%; with a maximum of two incentives.
9. Holders of "interim" certification will receive 4% incentive pay effective the first full pay period in January 2005.
10. If holders of "interim" certification take and fail the test, they will forfeit their 4% incentive pay until they pass the test—they will have until December 31, 2006.
11. This side letter reconfirms a previous side letter amendment of the MOU dated December 2000 pertaining to Section 41 Incentives, excepting the "job classifications that require certificates..." The exception will allow for a 4% incentive for the Water Distribution Operator Certificate.
12. Job descriptions will be modified for all classifications assigned to the Utilities Unit pertaining to Water Distribution Operator duties and certificate requirements.

The MEA signed below signifies that s/he is the authorized representative(s) and is the proper party to this Letter; that all actions necessary for the parties to ratify and accept this Letter as a binding resolution has been completed in the manner required by that party or the law; and that this Letter is hereby entered into without the need for further ratification by MEA and will take effect upon approval by the City Council of Milpitas. This Letter is valid through the term of the MEA MOU.

Date

Paul Mullett, MEA President

Date

Al Bennett, LIUNA 270 Representative

Date

Cherie Rosenquist, City of Milpitas

Mea/sideletter/121404waterdistribopcert